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10
11 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
12 SOUTHERN DIVISION

13 GENWORTH LIFE AND ANNUITY)
INSURANCE COMPANY, a Delaware)
14 Corporation,)

15 Plaintiff,)

16 vs.)

17 JACLYN R. HAFTER, an individual; J.H, a)
minor; G.H., a minor; BRANDON PHILLIPS,)
18 as Trustee of the Jacob Hafter Trust dated April)
17, 2018, THE UNITED STATES OF)
19 AMERICA, acting through the Internal)
Revenue Service, and DOES 1-5,)
20)

21 Defendants.)
22)
_____)

Case No. 2:18-cv-02161-JAD-PAL

**STIPULATION TO CONTINUE
RULE 26 (AND L.R. 26-1)
REQUIRMENTS IN LIGHT OF
LAPSE IN APPROPRIATION**

23 COMES NOW, plaintiff Genworth Life and Annuity Insurance Company, defendant
24 Jaclyn R. Hafter, defendant Brandon Phillips, as trustee of the Jacob Hafter Trust dated April 17,
25 2018 and defendant United States of America, on behalf of the Internal Revenue Service, an
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1 agency of the United States Department of the Treasury, by and through undersigned counsel,
2 and hereby submit the following Stipulation to continue the Rule 26 and Local Rule 26-1
3 requirements due to the lapse in appropriations:

4 This Interpleader Action arises from a dispute among the defendants as to their respective
5 entitlement to death benefits payable on a life insurance policy issued by plaintiff, Genworth Life
6 and Annuity Insurance Company (hereinafter "Genworth"). On or about November 13, 2000,
7 Genworth issued a life insurance policy (hereinafter "Policy") on the life of the Decedent (Jacob
8 L. Hafter) with a stated death benefit of \$250,000. This action is related to another interpleader
9 action currently pending in this district court, *ReliaStar Life Insurance Company v. Jaclyn R.*
10 *Hafter, et al.*, Case No. 2:18-cv-01166-APG-NJK. The *ReliaStar* action pertains to the proceeds
11 of another insurance policy issued on the life of Jacob L. Hafter.
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13 At the end of the day on December 21, 2018, the appropriations act that had been funding
14 the Department of Justice expired and appropriations to the Department lapsed. The Department
15 does not know when funding will be restored by Congress. Absent an appropriation, Department
16 of Justice attorneys are prohibited from working, even on a voluntary basis, except in very
17 limited circumstances, including "emergencies involving the safety of human life or the
18 protection of property." 31 U.S.C. § 1342.

19 All of the defendants except two minors (J.H. and G.H.) have filed answers in this case
20 (ECF Nos. 5, 7, 15, and 20). The Court has directed that the parties file a Discovery Plan and
21 Scheduling Order under L.R. 26-1 by February 1, 2019.

22 In light of the lapse in appropriations, the parties stipulate and agree that the Rule 26 and
23 L.R. 26-1 requirements be continued and that the parties file a Discovery Plan and Scheduling
24 Order on or before March 4, 2019.
25
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1 DATED: January 17, 2019

/s/Henry C. Darmstadter
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Of Counsel
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8 DATED: January 17, 2019

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14 DATED: January 17, 2019

/s/Cary Colt Payne
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Attorney for Defendant Brandon Phillips, as
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17, 2018

20 DATED: January 17, 2019

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24 **IT IS SO ORDERED** this 18th
day of January, 2019.

Attorneys for defendant Jaclyn R. Hafter

25 

26 Peggy A. Leen
28 United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day January 2019, I electronically filed the foregoing
**STIPULATION TO CONTINUE RULE 26 (AND L.R. 26-1) REQUIRMENTS IN LIGHT
OF LAPSE IN APPROPRIATION** with the Clerk of Court using the CM/ECF system, which
will send notification of such filing to the following:

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